



N 09/350251

PATENT*433
P. Walker
07/22/03***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Arye Malek et al.

Examiner: John Nguyen

Serial No.: 09/350251

Group Art Unit: 3653

Filed: July 8, 1999

Docket: 139.059US1

Title: TRAY FLIPPER AND METHOD FOR PARTS INSPECTION

NOTICE OF APPEAL FROM THE DECISION OF THE EXAMINER**TO THE BOARD OF PATENT APPEALS AND INTERFERENCES****MAIL STOP AF**

Commissioner for Patents

P.O.Box 1450

Alexandria, VA 22313-1450

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Applicant respectfully requests reconsideration and withdrawal of the rejections.

Applicant notes that, regarding the Examiner's question as to how a shorter car helps the time or distance between two cities, that with cars that are half as long, twice as many cars can be on the highway, bumper-to-bumper between the start and destination as with longer cars, and thus, for example, twice as many cars can travel the distance at a given speed in a given time as is possible with the cars that are twice as long. Similarly, twice the number of trays will travel the distance between stations when they travel parallel to the short dimension, with trays that are twice as long as wide. Applicant's claims clearly recite this patentable difference. Further, the Examiner has not cited any art or reason why a flipper that placed the items back into the same initial tray would be obvious.

In compliance with 37 C.F.R. § 1.191, Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated April 15, 2003, of the Examiner rejecting claims 3-10, 12-21, 27-30, 37-40 and 42 of the above-identified patent application.

No extension of time is necessary to respond to the Examiner's rejection.

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Reconsideration an allowance of the claims is respectfully requested. Our check in the amount of \$160.00 is enclosed to pay the Notice of Appeal fee under 37 C.F.R. § 1.17(b). Please charge any required additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

ARYE MALEK ET AL.

By Applicants' Attorneys,

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Date

15 July 2003

By

Charles A. Lemaire

Reg. No. 36,198

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to MAIL STOP AF, Commissioner of Patents, P.O.Box 1450, Alexandria, VA 22313-1450 on July 15, 2003.

Candis B. Buending

Name

Signature